HURWITZ STAMPUR & ROTH

MICHAEL HURWITZ WILLIAM J. STAMPUR JAMES ROTH

299 BROADWAY, SUITE 800 NEW YORK, N.Y. 10007

> (212) 619-4240 FAX (212) 619-6743



August 28, 2013

BY ECF AND FIRST-CLASS MAIL

Senior USPO Patricia A. Sullivan 147 Pierrepont Street Brooklyn, NY 11201

Re: <u>United States v. Nikola Lukaj</u> 11-CR-00486 (S-1)-038 (DLI)

Dear Ms. Sullivan,

I write on behalf of Nikola Lukaj who is scheduled to be sentenced by Your Honor on October 8, 2013. The defendant respectfully submits this letter, pursuant to Federal R. Crim. P. 32 (f) to advise the Probation Department of the defendant's proposed corrections and clarifications in the Presentence Investigation Report ("PSR").

- PSR ¶ 32 the government concurs with defense counsel that because Mr. Lukaj did not have any connection to the referenced "grow house", "Nicola Lukaj and Lukaj's workers," should be deleted.
- PSR ¶ 135 Mr. Lukaj wants to clarify that as stated by his wife, he did abuse cocaine. He did not disclose this fact to Probation because he was embarrassed about his drug abuse.
- PSR ¶ 137 Mr. Lukaj received a New York State General Education Development Diploma in April 1991.
- PSR ¶ 140 Mr. Lukaj worked at the VIP club during 2007 as well as during the period indicated in PSR ¶ 141. His W-2 payroll stubs are attached with the employer listed as ABCZ Corp. (Exhibit A). In 2005 his employer was listed on the enclosed W-2 as West 20th Enterprises which operated the VIP Club. (Exhibit B). Mr. Lukaj was also employed as a maintenance worker as per the attached W-2 by Premium Building Maintenance, Inc. in 2010. (Exhibit C).
- PSR ¶ 142 Mr. Lukaj was partially employed as a custodian in 2002 by American Building as evidenced by the attached W-2. (Exhibit D).
- PSR ¶ 143 Mr. Lukaj appears to have filed income tax returns as required for the years 2002, 2007, and 2008 as evidenced by the enclosed tax records. It appears from the attached Federal Tax summary that Mr. Lukaj was not required to file taxes in 2009 as a refund was due although he may have. (Exhibit E).

HURWITZ STAMPUR & ROTH

• PSR ¶ 163 – The parties concur that Mr. Lukaj is eligible for an additional 2-level reduction for the "global disposition" and accordingly the total offense level would be 23, and with a Criminal History Category of II, the advisory guideline range would be 51-63 months.

Respectfully yours,

James Roth

Encl.

cc: Honorable Dora L. Irizarry (by First-Class Mail)
AUSA Gina Marie Parlovecchio (by E-mail)
USPO Mary Ann Betts (by E-mail)
Mr. Nikola Lukaj

EXHIBIT A

ABCZ CORP	and Air code		DOX 7 01		Roy 19 of	W-2	40.26
251 NORTH AV 2ND FLOOR	Æ	Fed. Income Tax Withheld	1057.32 Medica Withhe	ld .	1/5.45 SUI/SDI		13.20
NEW ROCHELL	.E, NY 10801	Box 2 of W-2	Box 6 of		Box 14 of	W-2	
•	Batch #00180	2. Your Gross Pay was		· · · · · ·		0.110	
»/f Employee's name, address, a NIKOLA LUKAJ	and ZIP code		Wages, Tips, other Compensation Box 1 of W-2	NY. State Wages Tips, Etc. Box 16 of W-2	tonkers Local Wages, Tips, Etc. Box 18 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2
11 STEVENS AVENU YONKERS, NY 10704		Gross Pay Reported W-2 Wages	12,100.00 12,100.00	12,100.00 12,100.00	12,100.00 12,100.00	12,100.00 12,100.00	12,100.0 12,100.0
Employer's FED ID number	a Employee's SSA number						
Wages, tips, other comp.	2 Federal income tax withheld 1057,32	·	·				
3 Social security wages 12100.00	4 Social security tax withheld 750.20						
Medicare wages and tips 12100.00	6 Medicare tax withheld 175.45						
Social security tips	8 Aliocated tips						
Advance EIC payment	10 Dependent care benefits	3. Employee W-4 Profile	To change your En	nployee W-4 Profi	le Information, file	a new W-4 with yo	our payroll dept.
11 Nonqualified plans	12a See instructions for box 12	NIKOLA L	UKAJ		Social Secu	rity Number:	
14 Other	12b 12c	11 STEVE	NS AVENUE	.	Taxable N	Marital Status: SIN	GLE
13.20 NYDD	12d 13 Stat emp Ret. plan 3rd party sick pay	YUNKERS	, NY 10704		FEDERAL	ns/Allowances: .: 2	
15 State Employer's state ID no	. 16 State wages, tips, etc. 12100.00				STATE: LOCAL:	2 2	
17 State Income tax 402.38	18 Local wages, tips, etc. 12100.00						
19 Local income tax 40.26	20 Locality name YONKERS	O 2007 ADP, INC.					
10.50		Fold and	Detach Here				
Wages, tips, other comp. 12100.00	2 Federal income tax withheld 1057.32	1 Wages, tips, other comp. 12100.00	2 Federal income tax	withheld 1 V	lages, tips, other com		come tax withheld
3 Social security wages 12100.00	4 Social security tax withheld 750.20	3 Social security wages 12100.00	4 Social security tax		ocial security wages 12100	4 Social sec	urity tax withheld 750.20
5 Medicare wages and tips 12100.00	6 Medicare tax withheld 175.45	5 Medicare wages and tips 12100.00	6 Medicare tax withh		ledicare wages and ti 12100		
1 Control number Dept. 9035 EC/6DG	Corp. Employer use only	d Control number Dept.		ruse only d C	ontrol number De		Employer use only
: Employer's name, address,	·	c Employer's name, address,	and ZIP code	26 0033 c E	5 EC/6DG imployer's name, add	ress, and ZIP code	26
ABCZ CORP 251 NORTH AV	'E	ABCZ CORP 251 NORTH A	VE		ABCZ CORI 251 NORTH		
2ND FLOOR NEW ROCHELL	E. NY 10801	2ND FLOOR NEW ROCHEL			2ND FLOOP		801
	,				HEW HOOM	, 111 10	
Employer's FED ID number	a Employee's SSA number	b Employer's FED 10 number	a Employee's SSA n	umber b E	mpl <u>over's FEO ID n</u> ui	mber a Emp <u>lowee</u>	's SSA number
7 Social security tips	8 Allocated tips	7 Social security tips	8 Allocated tips	7 8	ocial security tips	8 Allocated	tips
Advance EIC payment	10 Dependent care benefits	9 Advance EIC payment	10 Dependent care be	enelits 9 A	dvance EIC payment	10 Dependen	it care benefits
11 Nonqualified plans	12a See instructions for box 12	11 Nonqualified plans	12a	11 1	lonqualified plans	12a	
(4 Other	12b	14 Other	126	14 (Other	12b	
13.20 NYDD	12c 12d	13.20 NYDD	12c 12d		13.20 NYD	D 12c	
	13 Stat emp Ret. plan 3rd party sick pay		13 Statemp. Ret. plan 3rd	party sick pay		13 Stat emp. R	et, plan 3rd party sick
:// Employee's name, address at NIKOLA LUKAJ	nd ZIP code	eff Employee's name, address	and ZIP code	131	imployee's name, add	iress and ZIP code	<u> </u>
11 STEVENS AVENU		NIKOLA LUKAJ 11 STEVENS AVEN			(OLA LUKAJ STEVENS AV	ENUE	
YONKERS, NY 10704		YONKERS, NY 1070	14	YO E	NKERS, NY 1	0704	
15 State Employee's state ID no	. 16 State wages, tips, etc. 12100.00	15 State Employer's state ID r	no. 16 State wages, tips,	etc. 2100.00 N	tate Employer's state	e ID no. 16 State wag	es, tips, etc. 12100.00
17 State income tax 402.38	18 Local wages, tips, etc. 12100.00	17 State income tax	18 Local wages, tips,	etc. 2 17 S	tate income tax	18 Local was	ges, tips, etc.
19 Local income tax 40.26	20 Locality name YONKERS	402.38 19 Local income tax 40.26	20 Locality name		.ocal income tax	20 Locality r	12100.00 same ONKERS
Federal F	ling Copy	NY.State F	iling Copy		City or Lo	cal Filing C	
W = 2 Wage a	nent ZVV I	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	and Tax 20	U7 Y	$V-2^{\frac{Wa}{S}}$	ge and Tax atement	2007
Copy B to be filed with employee's Fe	ederal Income Tax Return. 1545-0008	Copy 2 to be filed with employee's St	ate Income Tax Return.	1545-0008 Copy	2 to be filed with employe	e's City or Local Lacome	DMB No. 1545-0008

Do Children information reflects your final 2007 pay stub plus any adjustments submitted by your employer.

750, 20 NY. State Income Tax

Box 17 of W-2

Local Income Tax Box 19 of W-2

402.38

40.26

Social Security Tax Withheld Box 4 of W-2

12100.00

Statement

<u>re's relorda S.C.</u> ,umber Dept.

imployer's name, address, and ZIP code

€C/6DG

Comployer use only

26

Gross Pay

NY.State Reference Copy

2 Wage and Tax 200 Statement DAM No. 1545

Copy 2 to be filed with employee's State Income Tax Return.

NY.State Filing Copy

Statement

2 Wage and Tax

Copy 2 to be filed with employee's State Income Taxe Return

Federal Filing Copy

Statement OMB No. 1548 by B to be filed with employee's Federal Income Tax Heturn.

Wage and Tax 20



EC/6DG Employer's name, address, and ZIP code ABCZ CORP 251 NORTH AVE 2ND FLOOR **NEW ROCHELLE, NY 10801**

Batch #00221

VIKOLA LUKAJ

Employee's name, address, and ZIP code

1035

11 STEVENS AVENUE **/ONKERS, NY 10704**

none is					
Employer's FED ID number	d Employee's SSA number				
Wages, tips, other comp.	2 Federal income tax withheld				
6600.00	585.00				
Social security wages	4 Social security tax withheld				
6600.00	409.20				
Medicare wages and tips	6 Medicare tax withheld				
6600.00	95.70				
Social security tips	8 Allocated tips				
Advance EIC payment	10 Dependent care benefits				
1 Nonqualified plans	12a See instructions for box 12				
4 Other	12b				
4 Other	12c				
7.20 NYDD	12d				
	13 Stat emp Ret plan 3rd party sick pay				
5 State Employer's state ID no	. 16 State wages, tips, etc.				
NY	6600.00				
7 State income tax	18 Local wages, tips, etc.				
219.48	6600.00				
9 Local income tax	20 Locality name				
21.96	YONKERS				

2006 W-2 and EARNINGS SUMMARY



This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

.]	he following	informa	tion reflects	your final 2006	pay stub plus any	adjustments submitted	by your employer.
33	Gross Pav		6600.00	Social Security	409.20	NY. State Income Tax	219.48
			0000.00	Tax Withheld	409.20	Box 17 of W-2	219.40
				Box 4 of W-2	기는 발표하는 기반 함께 된다. 그는 한국의 기반	Local Income Tax	21.96
ġ,	Fed. Incom	10	585.00	Medicare Tax	95.70	Box 19 of W-2	
	Tax Withhe		363.00	Withheld	95.70	SUI/SDI	7.20
	Box 2 of W-	2	1.00	Box 6 of W-2		Box 14 of W-2	

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	NY. State Wages, Tips, Etc. Box 16 of W-2	YONKERS Local Wages, Tips, Etc. Box 18 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2
Gross Pay	6,600.00	6,600.00	6,600.00	6,600.00	6,600.0
Reported W-2 Wages	6,600.00	6,600.00	6,600.00	6,600.00	6,600.0

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroil dept.

NIKOLA LUKAJ 11 STEVENS AVENUE YONKERS, NY 10704

Social Security Number: Taxable Marital Status: SINGLE Exemptions/Allowances:

FEDERAL: 2 STATE: LOCAL:

© 2006 AUTOMATIC DATA PROCESSING, INC.

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EXHIBIT B

Employee Reference Copy W—2 Wage and Tax Statement Control number Dept. Corp. Corp. Dept. Corp. Employer seconds Corp. Dept. Corp. A 26

Employer's name, address, and ZIP code
WEST 20TH ENTERPRISES
CORP
20 WEST 20TH ST
NEW YORK NY 10011

Batch #00829

Employee's name, address, and ZIP code

IKOLA LUKAJ 25 TIBBETTS RD ONKERS NY 10705

Employer's FED ID number	d Employee's SSA number
Wages, tips, other comp.	2 Federal income tax withheld
24750.00	2228,40
Social security wages	4 Social security tax withheld
24750.00	1534,50
Medicare wages and tips	6 Medicare tax withheld
24750.00	1 27
Social security tips	358.88
	8 Allocated tips
Advance EIC payment	10 Dependent care benefits
Nonqualified plans	12a See instructions for box 12
Other	12ь
- 4107	12c
27.00 SDI	12d
	13 Stat emp. Ret. plan 3rd party sick pay
State Employer's state ID no	. 16 State wages, tips, etc.
NY	24750.00
State income tax	18 Local wages, tips, etc.
823.05	24750.00
Local income tax	20 Locality name
40.95	VONKERS

Document 1322065-W-208413 EARNINGS SUMMARY



This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following in	formation reflect	s your final 2005 p	ay stub plus any	adjustments submitted by your	employer
Gross Pay	24750.00	Social Security Tax Withheld	1534.50	NY. State Income Tax Box 17 of W-2	823.05
Fed. Income	2228.40	Box 4 of W-2 Medicare Tax	358.88	Local Income Tax Box 19 of W-2	40.95
Tax Withheld Box 2 of W-2		Withheld Box 6 of W-2	330.08	SUI/SDI Box 14 of W-2	27.00

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

 _	Tolibile (produce Jodi II-	e Statement.		
	Wages Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	NY. State Wages, Tips, Etc. Box 16 of W-2	YONKERS Local Wages, Tips, Etc. Box 18 of W-2
Gross Pay Reported W-2 Wages	24,750.00 24,750.00	24,750.00 24,750.00	24,750.00 24,750.00	24,750.00 24,750.00	24,750.00 24,750.00

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

NIKOLA LUKAJ 225 TIBBETTS RD YONKERS NY 10705 Social Security Number:
Taxable Marital Status: SINGLE
Exemptions/Allowances:

FEDERAL: 2 STATE: 2 LOCAL: 2

O 2005 AUTOMATIC DATA PROCESSING, INC.

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EXHIBIT C

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c Employer's name, add	dress, and	S MAINTENANCE INC			a, jakadan					's social secur	
BRONXVILLE		NY	10	0708	er lan di arrota				and	e sure the SSN(d on line 6c are	correct
d Control number									change	ng a box below will your tax or refund.	not
	36			Suff.	\$3 to go	to this	fund (see instru	ictions)	▼ X Y	ou 🗌 Spouse	•
e Employee's пате, ас	idress, ar			Qui.	4	∐ F	lead of househo	ld (with o	qualifying	person). (See ii	nst.) If
NIKOLA 73 PLUM ROA MAHOPAC	AD.	NA FRKY			ve 5	_ •	enter child's nam	ie here. Þ		not your dependent	•
7 Social security tips		8 Allocated tips	9 Advanc	e EIC payment	dent, do	not o	check box 6a		····	Boxes checked on 6a and 6b	1
10 Dependent care ben	efits	11 Nonqualified plans	12a Code		dent's	(3)	Dependent's	(4) ./ if	child unde	No. of children on 6c who:	0
	14.05		12b Code	· · · · · · · · · · · · · · · · · · ·	number		relationship to vou	fying for	child under je 17 quali- child tax ee inst.)	 lived with you did not live 	
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Third carbo plate may			12d Code		1	+			-	Dependents on 6	
Third-party sick pay			120 0000			╁╌	· · · · · · · · · · · · · · · · · · ·	-	-	not entered above	e
NY	1	2210.94	.	79.94	7	Ⅎ			<u> </u>	Add numbers on	-
		i	i i	e income tax		• • • •		****		lines above 🕨	Т.
15 State Employer's st		nber 16 State wages, tips, etc.	20 Localit		1				,	2	011
18 Local wages, ups, c									7 8a		211
		2040	∄ Dont of	the Treasury - IRS	J [] []	8b	- ,		<u> </u>		
Form W-2 Wage and This information is being to penalty or other sanction	Tax State furnished to may be im	ment: 2010 to the IRS. If you are required to file posed on you if this income is taxab	a tax return, le and you fa	a negligence il to report it DAA		9b			9a	,	
		ı axable retunds, credit	s. or offse	ts of state and lo	L · · · i L como ti				40		
was withheld.	11	Alimony received	-, -: -::	to or orato area re	ou moone a	anes,	• • • • • • • • • • • • •		10	· · · · · · · · · · · · · · · · · · ·	
	12	Business income or (los							11		
	13	Capital gain or (loss). A							12		
If you did not	14	Other gains or (losses).	Attach F	oddie D 11 tegas: arm 4707	ea. II Not led	uneu,	check here	▶⊔	13		
get a W-2,	15a	IRA distributions	15a	Jiiii 4757,					14		<u> </u>
see instructions.	16a	Pensions and annuities					le amount		15b		·
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Enclose, but do	18	Farm income or (loss).	ues, parti Attach Sa	hadula E	ranons, trust	s, etc	. Attach Schedu	le E,	17	<u> </u>	
not attach, any	19	I Inamplement compor	nuacii oc	nedule F	• • • • • • • • • • •	· · · · ·	• • • • • • • • • • • • • • • • • • • •	• • • • • •	18		
payment. Also,	20a	Unemployment comper Social security benefits	20a	• • • • • • • • • • • • • • • • • • • •					19	<u> </u>	770
please use Form 1040-V.	21	Other income.	204		b	ıaxaı	ble amount		20b		
FOITH 1040-V.	22	Combine amounts in th	e far right	column for lines	7 through 0	- Thi			21		001
	23	Educator expenses	o ica rigini	Coldination artes	7 tillough 2	23	s is your total ir	come►	22	3,	981
Adjusted	24	Certain business expen				23	<u> </u>				
Gross		and fee-basis governme									
Income	25	Health savings account				24 25	·		-		
	26	Moving expenses. Attac				26	·		-		
	27	One-half of self-employ				27			-		
	28	Self-employed SEP, SI				28			-		
	29	Self-employed health in	surance (deduction		29					
	30	Penalty on early withdra	wal of sa	vinas		30			1		
	31a	Alimony paid b Recipient	sssn 🛌	95	-	31a			-		
	32	IRA deduction			——	32			-		
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	34	Tuition and fees, Attach				34			1		
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	36	Add lines 23 through 31	a and 32	through 35	 				36		0
	37	Subtract line 36 from line	e 22. This	is your adju sted	d gross inco	me .	• • • • • • • • • • • •		37	3.	981
For Disclosure, I	Privacy	Act, and Panerwork Rec								- 404	

EXHIBIT D

MERICAN BEDG. 1 FIFTH AVENUE W YORK, NY 10	and ZIP code 11-cr-00486-DLI SUITE 300 0176	c Employer's name, addres CAMENION SEBG. 551 FIFTH AVENUE NEW YORK, NY	Filed 10/08/13 Pag	1121 Of 14 F SDI Box oduce your	14	.00
cial security tips	d Employee's SSA number 8 Allocated tips 10 Dependent care benefits	b Employer's FED ID number 7 Social security tips 9 Advance EIC payment	8 Allocated tips 10 Dependent care benefits	te Wages es 16 of W-2 3,525.09		/
onqualified plans	12a 12b 12c 12d	11 Nonqualified plans 14 Other	12a 12b 12c 12d 12d	3,525.09		
mployee's name, address IKOLA LUKAJ 11 BRONX RIVER DNKERS, NY 107	ROAD #6P	e/f Employee's name, addre NIKOLA LUKAJ 671 BRONX RIVER YONKERS, NY 10	ROAD #6P		w W4 with	Payroll ·
ate Employer's state ID in the income tax at a local income tax at	16 State wages, tips, etc. 3525.09 18 Local wages, tips, etc. 3525.09 20 Locality name NEW YORK CIT	17 State income tax 125.6 19 Local income tax 71.4	20 Locality name NEW YORK CIT	Taxa S Exen	ai Security Numble Marital State SINGLE aptions/Allowan Federal: 2	us:
State 2 to be filed with employee's	e and Tax 2002 tement 318 No 1685 ARS	W-2 Wag Sta Copy 2 to be filed with employee	cal Filing Copy le and Tax 2007 atement scity or Local Income Tax Return.	1	State; 2 .ocal: 0 	axpartner.adp.com
	No e church employee income rep 108.28 or more?	oorted on Yes ;	No Did you receive tips Medicare tax that yo			Yes _
	y Use Short Schedule SE Below Short Schedule SE. Cauti			Use Long Schedul	le SE on Page	2
1 Net farm p line 15a . 2 Net profit c line 15a (o	rofit or (loss) from Schedule F or (loss) from Schedule C, line ther than farming); and Sched	, line 36, and farm partners 31; Schedule C-EZ, line 3 ule K-1 (Form 1065-B), bo	x 9. Ministers and members of	65), 	1	
to report .	nes 1 and 2	· · · · · · · · · · · · · · · · · · ·	See instructions for other inco		2 3	6,200 6,200
			•	····· i	4	
4 Net earning not file this 5 Self-employ \$84,900	s schedule; you do not owe se yment tax. If the amount on D or less, multiply line 4 by 15.	line 4 is:				5,72
4 Net earning not file this 5 Self-employ \$84,900 line 56. More the total	s schedule; you do not owe se yment tax. If the amount on D or less, multiply line 4 by 15.	line 4 is: 3% (.153). Enter the result 2.9% (.029). Then, add \$1 e 56.	here and on Form 1040, 0,527.60 to the result. Enter] 	5	5,72 87

EXHIBIT E

2009	Federal Income Tax Summary					
Client LUKAJ	Nikola Luk					
3/15/10	· · · · · · · · · · · · · · · · · · ·			12:50 PM		
INCORE		2009	2008	Diff		
INCOME Wages, salaries, tips, e Unemployment compensation Total income	n	0 11,045 11,045	27,410 0 27,410	-27,410 11,045 -16,365		
ADJUSTMENTS TO INCOME Total adjustments Adjusted gross income		0 11,045	0 27,410	0 -16,365		
ITEMIZED DEDUCTIONS				·		
Taxes Total itemized deductions	s	154 154	861 861	-707 -707		
TAX COMPUTATION Standard deduction Larger of itemized or stance prior to exemption Exemption deduction Taxable income Tax before credits	andard deduction n deduction	8,350 8,350 2,695 7,300 -4,605 0	8,000 8,000 19,410 7,000 12,410 1,291	350 350 -16,715 300 -17,015 -1,291		
CREDITS Child tax credit Total credits Tax after credits		- 0 0 0	1,000 1,000 291	-1,000 -1,000 -291		
OTHER TAXES Total tax		0	291	-291		
PAYMENTS Federal income tax withher Earned income credit Recovery rebate credit Total payments		1,345 0 0 1,345	1,854 1,050 300 3,204	-509 -1,050 -300 -1,859		
REFUND OR AMOUNT DUE Amount overpaid Amount refunded to you Amount you owe		1,345 1,345 0	2,913 2,913 0	-1,568 -1,568 0		
TAX RATES Marginal tax rate Effective tax rate		0.0% 0.0%	15.0% 2.3%	-15.0% -2.3%		